

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**LERoy JOSEY,** : **CIVIL ACTION NO. 1:13-CV-0043**  
**Petitioner,** :  
**v.** :  
**PENNSYLVANIA BOARD OF** :  
**PROBATION AND PAROLE, et al.,** :  
**Defendants.** :

## ORDER

AND NOW, this 28th day of January, 2014, upon consideration of the report and recommendation (Doc. 45) of Magistrate Judge Karoline Mehalchick, recommending the court grant in part and deny in part the motion to dismiss (Doc. 36) filed by respondents, deny petitioner's motion (Docs. 1, 4) for a writ of habeas corpus and dismiss his petition with prejudice, and deny petitioner's various motions for injunctive relief (Docs. 37, 39, 41), and after an independent review of the record, and noting that the petitioner filed objections<sup>1</sup> (Doc. 46) to the magistrate judge's report on January 7, 2014, and the court finding Judge Mehalchick's analysis to be thorough, well-reasoned, and fully supported by the record, and the court further finding the petitioner's objections to be without

<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

merit<sup>2</sup> and squarely addressed by Judge Mehalchick's report, it is hereby ORDERED that:

1. The report (Doc. 45) of Magistrate Judge Mehalchick is ADOPTED in its entirety.
2. Respondent's motion to dismiss (Doc. 36) is GRANTED to the extent the motion seeks denial of the petition (Docs. 1, 4) and dismissal of petitioner's claims on the merits.
3. The petition (Docs. 1, 4) for a writ of habeas corpus is DENIED and DISMISSED with prejudice.
4. Petitioner's motions (Docs. 37, 39, 41) for various forms of injunctive relief are DENIED as beyond the scope of habeas relief.
5. No certificate of appealability shall issue.
6. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania

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<sup>2</sup> Rather than directing the court to perceived error in the magistrate judge's report, petitioner's objections merely restate the allegations in his petition and his various requests for injunctive relief. Upon review, the court finds no error in Judge Mehalchick's report and recommendation. The court will thus adopt the report in its entirety and overrule the petitioner's objections.